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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
223002006316

First named inventor: Michael HOUGHTON

Application No: 08/441,443

Art Unit: 1631

Filed: May 15, 1995

Examiner: M. Zeman

Title: **NANBV DIAGNOSTICS AND VACCINES**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____ 09/02/2008 LDIEP1 00000003 031952 08441443
- ☐ is enclosed herewith. 01 FC:1453 1540.00 DA

CONCLUSION

In view of the foregoing, applicants respectfully submit that the pending claims fully satisfy the written description requirement and respectfully request withdrawal of the outstanding rejection and allowance of the claims.

Finally, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to *Deposit Account No. 03-1952* referencing docket no. 223002006316. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 26, 2007

Respectfully submitted,

By /Otis Littlefield/

Otis Littlefield

Registration No.: 48,751

MORRISON & FOERSTER LLP

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(415)-268-6846

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TERMINAL DISCLAIMER TO ACCOMPANY PETITION (Period Specified)	Docket Number (Optional) 223002006316				
<p>In re Application of:</p> <p>Name: Michael HOUGHTON et al.</p> <p>Application Number: 08/441,443</p> <p>Filed: May 15, 1995</p> <p>For: NANBV DIAGNOSTICS AND VACCINES</p> <p>The owner, <u>Chiron Corporation</u> of <u>100%</u> percent interest in the above-identified application hereby disclaims the terminal **SEE BELOW of any patent granted on the above-identified application or on any application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to this application. This disclaimer is binding upon the grantee, its successors or assigns.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the person signing is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record. Registration Number <u>48,751</u></p> <table style="width: 100%; margin-top: 20px;"><tr><td style="width: 50%; text-align: center;"><u>/Otis Littlefield/</u> Signature</td><td style="width: 50%; text-align: center;"><u>October 26, 2007</u> Date</td></tr><tr><td style="width: 50%; text-align: center;"><u>Otis Littlefield</u> Typed or printed name</td><td style="width: 50%; text-align: center;"><u>(415) 268-6846</u> Telephone Number</td></tr></table> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p style="text-align: center; margin-top: 20px;">WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p style="font-size: small; margin-top: 20px;">* Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p> <p style="margin-top: 20px;">** Period of time, if any, between the date that is twelve months from the date of applicant's filing or submission of correspondence with the Office, for which further action by the Office could reasonably be expected; and the filing date of the petition to withdraw the holding of abandonment filed herewith.</p>		<u>/Otis Littlefield/</u> Signature	<u>October 26, 2007</u> Date	<u>Otis Littlefield</u> Typed or printed name	<u>(415) 268-6846</u> Telephone Number
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